UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,925	12/14/2000	Carl Dionne	1561-63	5812

23117 7590 04/08/2005

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER	
DELGADO, MICHAEL A	
ART UNIT	**PAPER NUMBER**
2144	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/735,925	DIONNE ET AL.	
	Examiner	Art Unit	
	Michael S. A. Delgado	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,9,11-14,16,17 and 19-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,9,11-14,16,17 and 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/05/2004 have been fully considered but they are not persuasive. In response to the argument of claim 1 that the role of the master swapping between duplicated objects is not taught. In Brown's invention, the act of reconciliation is one in which information from different sources are compared to synchronize the sources (Col 3, lines 30-40) (Col 3, line 60-Col 4, line 5). In reconciling, a more recent document (object) at a remote computer is used to update a master copy (object) on a shared server. Under this scenario, the document that is most accurate base on recent changes, which is located on the remote computer is used to overwrite the master copy of a shared server. The action of updating requires the data at the remote computer to act temporarily as the master copy while the data at shared server play the role of a slave.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 8-9, 11-14, 16-17 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipate by US Patent No. 6,067,551 by Brown et al.

In claim 1, Brown teaches about an apparatus for sharing data over a network, having a plurality of network-connected terminals "multi-user", each terminal comprising (Col 4, lines 5-20),

visual display(Fig 1, 47);

a processing (Fig 1, 21);

storage (Fig 1, 32); and

memory (Fig 1, 22); wherein

said memory includes

instructions to duplicate an object from a second of said network connected terminals "shared server" at a first of said network-connected terminals (any of the multi-user) in response to a data requirement of said first terminal (Fig 1, 36) (Col 4, lines 5-20);

instructions to access data in said object using locally executed object instructions at said first terminal (Col 4, lines 5-20); and (Editing instructions use to edit document).

instructions to maintain data consistency between duplicated objects "reconciling process" by establishing a duplicate master, wherein the role of said duplicate master is switchable between said duplicated objects (Col 3, line 60-Col 4, line 5). The action of reconciling the master copy in effect makes the master copy operate in the capacity of a slave while the source of the change plays the role of the master

In claim 2, Brown teaches about an apparatus according to claim 1, wherein said instructions are either stored in said storage or are loaded from an external medium and retrieved

into said memory (Col 9, lines 10-15). (Application program is loaded in to memory from hard drive)

In claim 3, Brown teaches about an apparatus according to claim 1, wherein said instructions maintain data consistency between duplicated objects monitor central Processing Unit usage and network bandwidth utilization "timing issues" (Col 4, lines 28-35) (Col 2, lines 60-65).

In claim 4, Brown teaches about a method of sharing data over a network, having a plurality of network-connected terminals, each terminal comprising memory a processing , said memory including instructions for managing object duplication, including steps of (Col 4, lines 7-15) (Col 7, lines 30-50);

(a) in response to a data requirement of a first of said network terminals, duplicating an object from a second of said network terminals "share server" at said first terminal (Col 4, lines 5-20);

(b) at said first terminal, accessing data in said object using locally executed object instructions (Col 4, lines 5-20); and (Editing instructions use to edit document).

(c) maintaining data consistency between duplicated objects "reconciling process" by establishing a duplicate master, wherein the role of said duplicate master is switchable between said duplicated objects (Col 3, line 60-Col 4, line 5). The action of reconciling the master copy in effect makes the master copy operate in the capacity of a slave while the source of the change plays the role of the master

In claim 5, Brown teaches about a method according to claim 4, wherein said object duplication instructions for managing object duplication constitutes a duplication manager "MCF" (Col 5, lines 40-60) (Col 4, lines 5-20).

In claim 6, Brown teaches about a method according to claim 4, wherein said object from a second of said network terminals is said duplicate master (Col 5, lines 40-60).

In claim 8, Brown teaches about a method according to claim 4, wherein said duplicate master updates said duplicate (Col 5, lines 40-60).

In claim 9, Brown teaches about a method according to claim 4, wherein only one duplicate master exists for a group of duplicates (Col 5, lines 40-60).

In claim 11, Brown teaches about a method according to claim 4, wherein said switching is the result of a command, called load-balancing, or the result of an automatic fault-recovery process performed by the duplication manager (Col 3, lines 20-30).

In claim 12, Brown teaches about a method of sharing data over a network, having a plurality of network-connected terminals, each terminal comprising memory and a processor, said memory including instructions for managing object duplication, including (Col 7, lines 30-50):

(a) in response to an availability of a list of said network terminals, duplicating an object from a second of said network terminals "shared server" at said first terminal (Col 4, lines 5-20):

(b) at said first terminal, accessing data using locally executable object instructions (Col 4, lines 5-20); and (Editing instructions use to edit document).

(c) maintaining data consistency between duplicated objects by establishing a duplicate master, wherein the role of said duplicate master is switchable between said duplicated objects (Col 3, line 60-Col 4, line 5). The action of reconciling the master copy in effect makes the master copy operate in the capacity of a slave while the source of the change plays the role of the master.

In claim 13, Brown teaches about a method according to claim 12, wherein said object duplication instructions for managing object duplication constitute a duplication manager "MCF" (Col 5, lines 40-60) (Col 4, lines 5-20).

In claim 14, Brown teaches about an method according to claim 12, wherein said object from a second of said network terminals is said duplicate master "MCF" (Col 5, lines 40-60) (Col 4, lines 5-20).;

In claim 16, Brown teaches about a method according to claim 12, wherein said duplicate master updates said duplicate (Col 5, lines 40-60);

In claim 17, Brown teaches about a method according to claim 12, wherein only one duplicate master exists for a group of duplicates (Col 5, lines 40-60).

In claim 19, Brown teaches about a method according to claim 12, wherein said switching is the result of a command, called load-balancing, or the result of an automatic fault-recovery process performed by the duplication manager (Col 3, lines 20-30).

In claim 20, Brown teaches about a computer-readable medium having computer-readable instructions executable by a computer such that, when executing said instructions, a computer will (Fig 1):

(a) in response to a data requirement of a first network terminal of a plurality of network terminals, duplicate an object from a second of said plurality of network terminals at said first terminal (Col 4, lines 5-20);

(b) at said first terminal, access data in said object using locally executed object instructions (Col 4, lines 5-20); and (Editing instructions use to edit document).

(c) maintain data consistency between duplicated objects by establishing a duplicate master, wherein the role of said duplicate master is switchable between said duplicated objects (Col 3, line 60-Col 4, line 5). The action of reconciling the master copy in effect makes the master copy operate in the capacity of a slave while the source of the change plays the role of the master.

In claim 21, Brown teaches about a computer-readable medium having computer-readable instructions executable by a computer such that, when executing said instructions, a computer will (Fig 1):

(a) in response to an availability of a list of network terminals, duplicate an object from a second of said network terminals at a first of said terminals (Col 4, lines 5-20);

(b) at said first terminal, facilitate data access using locally executable object instructions (Col 4, lines 5-20); and

(c) maintain data consistency between duplicated objects by establishing a duplicate master, wherein the role of said duplicate master is switchable between said duplicated objects (Col 3, lines 60-67). The action of reconciling the master copy in effect makes the master copy operate in the capacity of a slave while the source of the change plays the role of the master.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,781908 by Williams et al, teaches about a file data synchronizer in a distributed data computer network.

US Patent 6,742,023 by Fanning et al, teaches about an use-sensitive distribution system for transferring data files between users of computer network e.g. for users accessing a chat room or news group over the Internet and wanting to share files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600